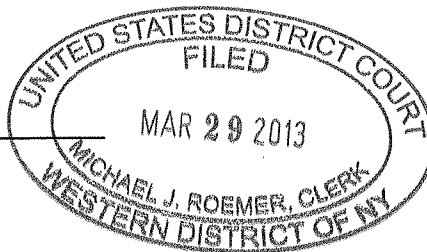


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

-PS-O-



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EZRA LAYNE,

Petitioner,

-v-

12-CV-1047M

ORDER

ERIC H. HOLDER, Attorney General  
of the United States, et al.,

Respondents.

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Petitioner, Ezra Layne, filed a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, challenging his continued administrative custody/detention pending removal. (Docket No. 1). Respondents have filed a motion to dismiss the petition as moot inasmuch as petitioner has been released from administrative detention pending removal pursuant to an Order of Supervision and Addendum executed on February 15, 2013. (Docket No. 8, Motion to Dismiss, Affidavit of Gail Y. Mitchell, sworn to February 20, 2013, ¶ 4, and Exh. A--Order of Supervision and Addendum).

Accordingly, in light of the fact that petitioner has been released from administrative detention, the respondents' motion to dismiss the petition is granted and the petition is dismissed. See Masoud v. Filip, NO. 08-CV-6345-CJSVEB, 2009 WL 223006 (W.D.N.Y., January 27, 2009) (confirming Report and Recommendation of U.S.M.J. Victor E. Bianchini) (petition for a writ of habeas corpus filed under 28 U.S.C. § 2241 seeking release from detention pending

removal moot upon release of petitioner from detention pursuant to an Order of Supervision).

The Clerk of the Court is directed to forward a copy of this Order to petitioner at the address set forth in the Order of Supervision: 1112 Dickens Street, Queens, New York 11691.

The Court hereby certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this judgment would not be taken in good faith and therefore denies leave to appeal as a poor person. Coppedge v. United States, 369 U.S. 438 (1962).

Petitioner must file any notice of appeal with the Clerk's Office, United States District Court, Western District of New York, within sixty (60) days of the date of judgment in this action. Requests to proceed on appeal as a poor person must be filed with the United States Court of Appeals for the Second Circuit in accordance with the requirements of Rule 24 of the Federal Rules of Appellate Procedure.

IT HEREBY IS ORDERED, that the petition is dismissed; and  
FURTHER, that leave to appeal as a poor person is denied.

SO ORDERED.

S/ Michael A. Telesca

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MICHAEL A. TELESCA  
United States District Judge

Dated: March 28, 2013  
Rochester, New York